

## SILAS B. MORRIS

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 4921]

The Committee on the Judiciary, to which was referred the bill, (H. R. 4921) for the relief of Silas B. Morris, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of the proposed legislation is to direct the Postmaster General to waive the collection of \$505.46 from Silas B. Morris, of Temple, Tex. This sum represents the amount paid him, less taxes, as compensation for his services as a substitute rural mail carrier.

#### STATEMENT

Mr. Silas B. Morris, of Temple, Tex., was appointed a substitute rural mail carrier at Temple, Tex., effective April 1, 1950. At the same time he was employed by the Veterans' Administration in Temple, Tex., and as an employee of the Veterans' Administration his salary exceeded \$2,000. Consequently the receipt by him of earnings as a result of his service as a substitute rural mail carrier was in violation of section 135.26 of the Postal Laws and Regulations. Accordingly, the Postmaster at Temple, Tex., was advised on April 18, 1950, by the personnel officer of the Veterans' Administration that Mr. Morris could not serve as a substitute rural mail carrier. Demand was also made upon Mr. Morris for the return of compensation paid to him as a mail carrier.

There is no evidence before the committee showing that Mr. Morris was at the time of his appointment as a substitute rural carrier aware of the fact that he could not concurrently receive pay as a substitute rural mail carrier while he was employed with the Veterans' Administration.

As a matter of fact, the postmaster at Austin, Tex., had advised the postmaster at Temple, Tex., that he knew of no reason why Mr. Morris could not be employed as a substitute rural carrier as long as he did not so serve during the hours which he was required to work for the Veterans' Administration.

Inasmuch as Mr. Morris performed the services in good faith and since the Government of the United States has received the benefits of his services the committee feels that this bill should receive favorable consideration.

The Post Office Department states in its report on this legislation that it would interpose no objection to the enactment of the bill. Attached to this report and made a part thereof is the report of the Post Office Department dated September 19, 1951, and an exchange of correspondence relative to the employment of Mr. Morris.

POST OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER GENERAL,  
Washington, D. C., September 19, 1951.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H. R. 4921, a bill for the relief of Silas B. Morris.

This measure provides:

"That the Postmaster General is hereby directed to waive the collection of \$505.46 from Silas B. Morris, Route 3, Temple, Tex., which is the amount paid him, less taxes, as a substitute rural mail carrier. Mr. Morris is a permanent employee at the Veterans' Administration Hospital, Temple, Tex., and was advised by officials of the Post Office Department that he could act as a substitute rural mail carrier notwithstanding the fact that his salary with the Veterans' Administration exceeds \$2,000."

Mr. Morris was employed as a substitute rural carrier at Temple, Tex., after the postmaster had been erroneously informed by the rural disbursing postmaster that there would be no objection to his employment in a dual capacity.

In view of the foregoing circumstances, this Department would interpose no objections to the enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the presentation of this report to your committee.

Sincerely yours,

J. M. DONALDSON,  
*Postmaster General.*

UNITED STATES POST OFFICE,  
Austin, Tex., July 11, 1951.

Hon. BOB POAGE,  
*Member of Congress, Washington, D. C.*

DEAR CONGRESSMAN: Thank you for your letter of July 6 inquiring about the situation with respect to Mr. Silas B. Morris, of Temple, Tex., whom we are requesting to refund the sum of \$522.56 for services rendered as substitute rural carrier while he was employed with the Veterans' Administration in Temple. In order that you might have the complete story, I am enclosing copies of correspondence with the Post Office Department, including the statement of fact that this office did advise Opal Roberson, postmaster at Temple, that we knew of no reason why Mr. Morris could not be employed as substitute rural carrier. You will note that the Department replied that we must issue orders discontinuing Mr. Morris as substitute rural carrier and call upon him for a refund for the entire amount paid for his substitute service. We, in turn, wrote the Department requesting authority to collect on the basic salary paid since we thought Mr. Morris was entitled to the equipment-maintenance allowance he had drawn during his service. The Department replied that they would give consideration to the question of authorizing payment of 8 cents per mile vehicle hire to him after he had refunded the entire amount.

That's the whole story, Congressman, and, of course, I regret the necessity of asking Mr. Morris for this refund, but under the law there is no out. We have had other instances come up since this situation developed and my information is that the Department is calling on bondsmen in some instances for the refund, if it is not forthcoming from the individual. I do not know what the Department will do in Mr. Morris' case however.

Be assured it is a pleasure to give you this information and that I am always glad to hear from you.

With kindest personal regards,  
Sincerely yours,

R. L. PHINNEY, *Postmaster.*

Enclosures.

P. S.—The equipment-maintenance allowance will amount to approximately \$128.

MAY 11, 1951.

Mr. JOSEPH J. LAWLER,  
*Assistant Postmaster General, Bureau of Post Office Operations,  
Division of Rural Delivery Service, Washington, D. C.*

DEAR SIR: Reference is made to your letter of May 9, 1951, initials RP:L:M:CJ, in which this office is instructed to collect a refund from Silas B. Morris, substitute rural carrier at Temple, Tex., because of his being employed by the Veterans' Administration at a salary in excess of \$2,000 per annum.

In asking for the refund you state that we should collect the entire amount paid for substitute service. It is the belief of this office that this means that we should collect only the amount paid as salary and that Mr. Morris is entitled to the equipment maintenance he has been paid inasmuch as it is reimbursement to him for expenses incurred in the use of his automobile in servicing the route.

Please advise us by return mail if this is the case so that we shall know what amount of refund must be collected.

We recommend that section 135.26 of the Postal Laws and Regulations also be included in the Postal Laws and Regulations under dual employment to prevent such an occurrence as this happening again at this office or any other office that may have an occasion to hire a person working for another Government agency.

Sincerely yours,

R. L. PHINNEY, *Postmaster.*

POST OFFICE DEPARTMENT,  
ASSISTANT POSTMASTER GENERAL,  
BUREAU OF POST OFFICE OPERATIONS,  
DIVISION OF RURAL SERVICE,  
*Washington, D. C., May 9, 1951.*

Mr. R. L. PHINNEY,  
*Postmaster, Austin, Tex.*

DEAR MR. PHINNEY: The receipt is acknowledged of your letter of April 27, 1951, ONB:hp, concerning the action taken by your office in appointing Silas B. Morris as substitute rural carrier at Temple, Tex., effective April 1, 1950, and in advising the postmaster that as long as his Veterans' Administration duties did not interfere with his availability for service as substitute rural carrier, you knew of no reason why he could not be employed as substitute, and calling attention to the fact that Mr. Jim Harrison, personnel officer of the Veterans' Administration, Temple, had called the postmaster and informed her that Mr. Morris could not serve as a substitute rural carrier for the reason that his aggregate salary from the Veterans' Administration and as substitute rural carrier was in excess of \$2,000 and of Mr. Harrison's contention that it would be necessary that Mr. Morris resign at once as substitute rural carrier and refund the amount paid him in that capacity.

In reply, you are advised that your office evidently overlooked the provisions of the law embodied in section 135.26 of the Postal Laws and Regulations.

It will, accordingly, be necessary for you to issue orders discontinuing immediately the services of Mr. Morris as substitute rural carrier and to call upon him for a refund of the entire amount paid for substitute service.

Section 137.23 of the Postal Laws and Regulations provides that postal employees may be employed in a dual capacity in the Post Office Department and paid

therefor regardless of the amount of compensation involved, but this section has no bearing whatever on the prohibition of the employees from serving in two different departments when the aggregate salary amounts to more than \$2,000 per annum.

The papers submitted by you are returned herewith.

Sincerely yours,

JOSEPH J. LAWLER,  
*Assistant Postmaster General.*

APRIL 27, 1951.

Mr. JOSEPH J. LAWLER,  
*Assistant Postmaster General, Bureau of Post Office Operations,  
Division of Rural Delivery Service, Washington, D. C.*

DEAR Mr. LAWLER: There is enclosed a copy of an order dated March 28, 1950, appointing Mr. Silas B. Morris as substitute carrier, Route 3, Temple, Tex., and subsequent correspondence relating to this appointment.

When the postmaster wrote us on March 27, 1950, a copy of which is also attached, advising us that Mr. Morris was an employee of the Veterans' Administration Center in Temple, we advised the postmaster as follows:

"As long as his Veterans' Administration duties do not interfere with his availability for service as substitute rural carrier, we know of no reason why he, Silas B. Morris, cannot be thus employed."

This statement was based on the fact that nowhere in the Manual of Instructions for Postal Personnel or in the Postal Laws and Regulations could we find any reference to dual employment in another governmental agency with a \$2,000 ceiling on joint salaries. Prior to World War II this subject matter was covered in postal regulations in existence at that time; however during the war, it is our understanding that these restrictions were relaxed and we know of no order restoring the restrictions. This, coupled with the fact that this subject matter is not now covered in current postal regulations, was the basis of our statement to the postmaster.

Mr. Jim Harrison, personnel officer of the Veterans' Administration, Temple, called the postmaster, Temple, about April 18 advising the postmaster that Mr. Morris could not serve as substitute rural carrier for the reason that his aggregate salary from the Veterans' Administration and as substitute rural carrier was in excess of \$2,000. Mr. Harrison contended that it would be necessary for Mr. Morris to resign at once and also reimburse the amount which had been paid him as a substitute rural carrier.

Won't you please give us your views in this matter by return air mail.

Sincerely yours,

R. L. PHINNEY, *Postmaster.*

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